STORM EVENTS

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Promoting Responsible Stormwater Management Practices throughout the Idaho Transportation Department

EPA Promulgates New Stormwater Regulations for Construction

On December 1st, 2009, EPA published court-ordered changes to regulations for construction and development (C&D) sites. The changes will be included in a new Construction General Permit (CGP) to be issued in June 2011. The most significant changes dictate a phase-in requirement for sites to sample stormwater discharges and comply with a numeric effluent limit (NEL) of 280 nephelometric turbidity units (NTU) for any discharges from the site. Beginning August 1, 2011 the NEL of 280 NTU impacts discharges from sites disturbing 20+ acres at one time. Beginning February 2, 2014, the NEL impacts discharges from sites disturbing 10+ acres at one time. These new requirements could have significant financial and compliance impacts on large construction projects like those pursued by ITD. In addition to sampling programs, treatment BMPs may be required to avoid exceeding effluent limits. Highlights of the new regulations include:

- Turbidity limitation of 280 NTUs is a Daily Maximum Value (not tied to background)
- Sampling required at each discreet discharge point (basins, channels, pipes, etc.)
- Daily value at each discharge point is calculated by averaging all samples at that point
- Permittees can phase land disturbing activities to stay below the disturbed acreage threshold

Further information will be provided in future newsletters.

Starting in August 2011, sampling will become a requirement on projects that disturb specific acreages:

- Beginning 8/1/11, an effluent limit of 280 NTU will apply to discharges from sites disturbing 20+ acres at one time.
- Beginning 2/2/14, an effluent limit of 280 NTU will apply to discharges from sites disturbing 10+ acres at one time.

ITD's 2009 Compliance Trending in Right Direction

At the end of January, ITD's Environmental Section submitted the 2009 Annual Report to the EPA as required by the Consent Decree. One of the highlights of the report was the significant improvement in the number of non-compliance items reported. Highlights include:

- Instances of unqualified EIs and WPCMs on projects have been virtually eliminated
- Significantly fewer instances of Action Items going unresolved for more than 5 days
- Significantly fewer instances of incomplete ITD 2802s
- Significantly fewer incidents of inspections occurring outside the specified inspection window
- Significantly fewer instances of late 3rd Party inspections
- Significantly fewer instances of projects missing winter shutdown requirements
- Significantly fewer instances of unreported instances of non-compliance
- Significantly fewer overall violations reported

While the trends are positive, ITD Stormwater Program Manager Brad Wolfinger doesn't want the good news to lead to complacency. **"ITD had a steep learning curve for Consent Decree implementation. These trends are encouraging, but we recognize that there is much work to be done in order to develop a mature program."**

Test Your Stormwater Management I.Q.:

1. What is the number associated with ITD Form that is used when reporting a potential incident of non-compliance?

2. True or False: When ITD has a project through a City covered by an MS4 permit, unless otherwise negotiated, ITD is required to meet unique MS4 requirements including an Erosion and Sediment Control Permit?

3. Who is the primary ITD Stormwater Management contact at Headquarters?

4. When do the new numeric effluent limitation (NELs) take effect?

ITD Stormwater Frequently Asked Questions (FAQs)

Q1: Contractors in Northern Idaho are receiving SEEP (Stormwater and Erosion Education Program) certification from the Panhandle Council. Does this course meet WPCM requirements?

A1: No, the SEEP Certification does not meet WPCM requirements. However, the Idaho AGC is in discussions with the Panhandle Council about getting the WPCM course certified to meet SEEP requirements so that attendees to the AGC's WPCM course would get both certifications. There is also the possibility that the Panhandle Council will submit the SEEP Course for certification by ITD to meet WPCM requirements. This is yet to be determined.

Q2: If the Contractor has submitted their Notice of Termination (NOT) but ITD has not, what are ITD Inspection requirements?

A2: Often, ITD will allow the Contractor to submit their NOT at the end of construction under the CGP provision Section 6.2.b, where "another operator/permittee has assumed control over all areas of the site that have not been finally stabilized;". Accordingly, ITD is required to continue to conduct stormwater inspections per the CGP Section 4 until Final Stabilization is achieved. Note, if the site is entirely stabilized, the inspection frequency can be reduced to once a month per CGP Section 4.B. However, per the Consent Decree, any action items must be addressed within five days of discovery and projects must be inspected within 24 hours of a 0.5 inch rain event over a 24 hour period.

Q3: How does EPA decide on which projects to conduct formal stormwater management compliance inspections?

A3: There are no set guidelines or procedures that EPA uses to decide which sites will receive a stormwater compliance inspections. Some sites are chosen because of proximity to a sensitive receiving water body and others chosen because citizens' complaints have been registered. There are also those inspections that occur as a result of an inspector simply driving around their area of responsibility and noticing a project site with poor housekeeping practices, lack of a stabilized construction entrance, or other basic BMPs.

Quiz Answers:

1. The ITD Form 2790 is used to report potential instances of non-compliance with CD, CGP, or any discharge event.
2. True. Unless otherwise negotiated with the MS4, ITD is required to meet MS4 permitting requirements for construction.
3. Brad Wolfinger, 334-8163.
4. Beginning 8/1/11, an effluent limit of 280 NTU will apply to discharges from sites disturbing 20+ acres at one time.
5. Beginning 2/2/14, an effluent limit of 280 NTU will apply to discharges from sites disturbing 10+ acres at one time.

BMP of the Quarter

BMP-4.8 INTERCEPTOR DITCHES (Permanent)

Refer to: ITD Standard Specifications, Section 208 and 209. ITD Standard Drawings, P-2-E.

Description

A small ditch or channel constructed to intercept and convey water to an area where it can be safely discharged.

Applications

Interceptor (diversion) ditches are used above the top of cut slopes, at the toe of embankments, in materials sources, and at waste sites to divert runoff from an exposed area. Interceptor ditches can also be used along benches on slope faces to prevent collected runoff from flowing onto slope faces below and to reduce the length of the uninterrupted slope face on unbenched slopes. The interceptor ditch may be constructed with or without a supporting berm or dike on the downslope side.

Limitations

For grades in excess of five percent (5%) or steeper, for highly erodible soils, or for large flows, the interceptor ditch may require stabilization with a permanent channel liner. Flows concentrated by an interceptor ditch should be conveyed from the slope using a slope drain.